

# MINUTES OF THE VIGO COUNTY COUNCIL

## Tuesday, February 17, 2009

### Pledge of Allegiance

Sheriff Jon Marvel called the meeting to order and led the Pledge of Allegiance.

### Calling of the roll

Timothy Seprodi, Vigo County Auditor took roll call.

**Present:** Bill Bryan, Brad Anderson, Ed Ping, Tim Curley, Kathy Miller, and Mark Bird.  
Councilman Darrick Scott came later.

### Corrections to the journal of the preceding meeting, if needed

- November 25, 2008 Meeting
- January 6, 2009 Meeting
- January 20, 2009 Meeting

**Motion:** To approve the minutes of the November 25, 2008, January 6, 2009, and January 20, 2009 Council meetings as published, **Action:** Approve, **Moved by** Mark Bird, **Seconded by** Bill Bryan.

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 7).

Yes: Bill Bryan, Brad Anderson, Darrick Scott, Ed Ping, Kathy Miller, Mark Bird, Tim Curley.

### Public comment

There was none.

### Communications from elected officials of the County

There were none.

### Communications from other officials or agencies

There were none.

### Reports from standing committees

There were none.

### Reports from select committees

### Personnel

#### Resolution 2009-1

**Motion:** Table Indefinitely, **Action:** Table, **Moved by** Tim Curley, **Seconded by** Bill Bryan.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Bill Bryan, Brad Anderson, Ed Ping, Kathy Miller, Mark Bird, and Tim Curley.

**Absent:** Darrick Scott.

### **Resolution 2009-3**

The Health Department is requesting to fill their Bookkeeper position. The former bookkeeper retired and they would like to fill the position with an employee from within their department who has been performing the bookkeeper duties. In return, the other position will not be filled at this time.

The Park & Recreation Department requested to refill a position at Hawthorne Park. The Personnel Committee denied that request with the understanding that the Assistant Superintendent is going to retire later this year. This would allow funds to be available to refill the Assistant Superintendent position.

**Motion:** To approve, **Action:** Approve, **Moved by** Brad Anderson, **Seconded by** Tim Curley.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Bill Bryan, Brad Anderson, Ed Ping, Kathy Miller, Mark Bird, and Tim Curley.  
**Absent:** Darrick Scott.

### **Amendment to the Vigo County 2009 Sheriff Deputy Salary Ordinance**

The amendment clarifies some technicalities of the Sheriff Deputy Ordinance.

The overtime rate for the Merit Deputies is to be one and a half times the salary plus longevity of the highest paid road deputy as of January 1, 2009. For the calendar year of 2009 the overtime rate is established at \$32.12 per hour. This had been approved earlier, the rate just needed to be established.

**Motion:** To approve. **Action:** Approve, **Moved by** Mark Bird, **Seconded by** Tim Curley.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 6).

**Yes:** Bill Bryan, Brad Anderson, Ed Ping, Kathy Miller, Mark Bird, and Tim Curley.  
**Absent:** Darrick Scott.

## **Ordinances relating to appropriations**

### **Personnel**

#### **Salary Ordinance 2009-1**

The Health Department Vector Control Assistant Supervisor's salary should have been adjusted last year. This request is to correct it at this time. The Personnel Committee approved the request with a 3-0 vote. In addition, the pay rate is to be retroactive to first pay of 2009.

**Motion:** To approve the request retroactive to the first pay of 2009. **Action:** Approve, **Moved by** Tim Curley, **Seconded by** Brad Anderson.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Bill Bryan, Brad Anderson, Ed Ping, Tim Curley, Kathy Miller, Mark Bird, and Darrick Scott.

## **Budget Adjustment**

### **Additional Appropriation Ordinance 2009-1**

This request relates to the Jail Linkage Program that assists engaging female offenders in treatment services and seeks their release from jail so they may continue treatment in the community. This program is in place for male inmates and is funded by the Drug Free Community Fund. The female program has been funded by County General in the Sheriff's budget in the past. The Annual Budget Committee had previously asked that it be put on the original budget request rather than wait and ask for an additional appropriation. This request was on the original budget request submission, but removed when the departments were asked to cut their budgets.

**Motion:** To approve. **Action:** Approve, **Moved by** Mark Bird, **Seconded by** Bill Bryan.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Bill Bryan, Brad Anderson, Ed Ping, Tim Curley, Kathy Miller, Mark Bird, and Darrick Scott.

### **Additional Appropriation Ordinance 2009-2**

The 2009 budget request for the Tobacco Settlement Fund was not fully approved. According to Indiana Code IC 4-12-7-6, all distributions must go to the local board of health.

**Motion:** To approve. **Action:** Approve, **Moved by** Darrick Scott, **Seconded by** Tim Curley.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Bill Bryan, Brad Anderson, Ed Ping, Tim Curley, Kathy Miller, Mark Bird, and Darrick Scott.

## **Annual Budget**

### **Additional Appropriation Ordinance 2009-3**

The Juvenile Courts is requesting an increase in a Probation Officer's salary, which is State mandated.

Three employees in the Prosecutor's office receive a supplement to their salary from the Drug Free Community. One is to receive \$2,500; the other two are to receive \$1,250.

**Motion:** To approve. **Action:** Approve, **Moved by** Ed Ping, **Seconded by** Darrick Scott.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Bill Bryan, Brad Anderson, Ed Ping, Tim Curley, Kathy Miller, Mark Bird, and Darrick Scott.

### **Additional Appropriation Ordinance 2009-4**

Two salaries in the Infraction Deferral Fund were incorrect. This request is to correct that error. The Annual Budget Committee approved the request.

**Motion:** To approve. **Action:** Approve, **Moved by** Tim Curley, **Seconded by** Bill Bryan.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Bill Bryan, Brad Anderson, Ed Ping, Tim Curley, Kathy Miller, Mark Bird, and Darrick Scott.

#### **Additional Appropriation Ordinance 2009-5**

The last quarter for the 2008 PERF payment is paid in January of 2009. Since the Pretrial Diversion Fund has no appropriation for PERF in 2009, an appropriation is needed to pay the 2008 fourth quarter payment

**Motion:** To approve, **Action:** Approve, **Moved by** Mark Bird, **Seconded by** Darrick Scott.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Bill Bryan, Brad Anderson, Ed Ping, Tim Curley, Kathy Miller, Mark Bird, and Darrick Scott.

#### **Salary Ordinance 2009-2**

This ordinance pertains to the Infraction Deferral salaries addressed in Additional Appropriation 2009-4, which has been approved.

**Motion:** To approve, **Action:** Approve, **Moved by** Darrick Scott, **Seconded by** Tim Curley.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Bill Bryan, Brad Anderson, Ed Ping, Tim Curley, Kathy Miller, Mark Bird, and Darrick Scott.

#### **Salary Ordinance 2009-3**

This ordinance pertains to the Prosecutor salaries addressed in Additional Appropriation 2009-3, which was approved.

**Motion:** To approve, **Action:** Approve, **Moved by** Darrick Scott, **Seconded by** Tim Curley.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Bill Bryan, Brad Anderson, Ed Ping, Tim Curley, Kathy Miller, Mark Bird, and Darrick Scott.

#### **Special Projects**

##### **Resolution 2009-2**

The Rainy Day Fund is invested until April 20, 2009; therefore a temporary loan is needed from County General to the Rainy Day fund. This will be repaid to County General by April 30, 2009.

**Motion:** To approve, **Action:** Approve, **Moved by** Darrick Scott, **Seconded by** Ed Ping.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Bill Bryan, Brad Anderson, Darrick Scott, Ed Ping, Kathy Miller, Mark Bird, Tim Curley.

#### **Additional Appropriation Ordinance 2009-6**

An additional appropriation is needed for the Canal Road Project from bond proceeds.

**Motion:** To approve, **Action:** Approve, **Moved by** Brad Anderson, **Seconded by** Tim Curley.

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 7).

**Yes:** Bill Bryan, Brad Anderson, Darrick Scott, Ed Ping, Kathy Miller, Mark Bird, Tim Curley.

**Additional Appropriation Ordinance 2009-7**

An additional appropriation is needed for the Canal Road Project in the amount of \$2,000,000 in the Rainy Day Fund.

**Motion:** To approve, **Action:** Approve, **Moved by** Brad Anderson, **Seconded by** Tim Curley.

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 7).

**Yes:** Bill Bryan, Brad Anderson, Darrick Scott, Ed Ping, Kathy Miller, Mark Bird, Tim Curley.

**Resolution for Re-Allocation of Existing Appropriations 2009-2**

Funds will be needed sooner than the date that the bond proceeds will be available. This resolution will allow the funds to be used, but will be repaid from the bond as soon as the funds are received. An issue with INDOT has arisen in that some clearing of trees needs to be done as part of the Canal Road Project. The clearing cannot take place after April 1, 2009 due to a species of bats called the Indiana Gray Bat, which is on the endangered species list. The DNR will not allow the types of trees that need to be cleared to be cut down after April 1<sup>st</sup> due to the Indiana Gray Bat Ordinance. Additional monies are not needed, they are just needed sooner than the bond proceeds might be available, otherwise, the project will be on hold until the fall at which time the contractor's bid will likely go up. The current bid is only good for thirty days.

**Motion:** suspend rules, **Action:** Approve, **Moved by** Mark Bird, **Seconded by** Brad Anderson.

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 7).

**Yes:** Bill Bryan, Brad Anderson, Ed Ping, Tim Curley, Kathy Miller, Mark Bird, and Darrick Scott.

**Motion:** amend transfer amount to \$3 million, **Action:** Approve, **Moved by** Mark Bird, **Seconded by** Tim Curley.

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 7).

**Yes:** Bill Bryan, Brad Anderson, Ed Ping, Tim Curley, Kathy Miller, Mark Bird, and Darrick Scott.

**Motion:** approve amended resolution, **Action:** Approve, **Moved by** Mark Bird, **Seconded by** Tim Curley.

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 7).

**Yes:** Bill Bryan, Brad Anderson, Ed Ping, Tim Curley, Kathy Miller, Mark Bird, and Darrick Scott.

Attorney Michael Wright proposed that since the rules are suspended that the Council address Resolution 2009-4.

**Resolution 2009-4**

If after March 11, 2009, the contractors that bid on the Canal Road Project aren't paid, they can withdraw their bid. The bid is only good for thirty days. In the event the bond

proceeds are not available from the bond, this resolution would allow the funds to be paid by the County and then reimbursed when the bond proceeds are available.

**Motion:** Approve Resolution 2009-4, **Action:** Approve, **Moved by** Brad Anderson, **Seconded by** Bill Bryan.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Bill Bryan, Brad Anderson, Ed Ping, Tim Curley, Kathy Miller, Mark Bird, and Darrick Scott.

Attorney Michael Wright addressed another issue while the rules are suspended.

**Ordinance 2009-1**

To amend Ordinance 2007-2 to change the due date of the first bond interest payment from January 15<sup>th</sup> to July 15, 2009.

**Motion:** To approve the ordinance, **Action:** Approve, **Moved by** Brad Anderson, **Seconded by** Bill Bryan.

**Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 7).

**Yes:** Bill Bryan, Brad Anderson, Ed Ping, Tim Curley, Kathy Miller, Mark Bird, and Darrick Scott.

**Honorary resolutions**

There were none.

**Resolutions relating to fiscal policies of the Council**

There were none.

**First reading by summary reference of proposed ordinances and resolutions**

President Kathy Miller assigned Request of Council for the March 24, 2009 meeting to committee for further review.

**Appointments**

Convention and Visitors Bureau (2)

- Bill Burdine
- Linda Lambert

Vigo County Board of Zoning Appeals

- Scott Lough

Park & Recreation Board

- Don Nattkemper

Alcoholic Beverage Board

- Stephen Price

E911 Advisory Board

- Councilman Timothy P. Curley

Emergency Management Council

- Councilman Mark Bird

Pre-Disaster Planning Commission

- Councilman Darrick Scott

Local Emergency Planning Commission

- Councilman William Bryan

West Central Indiana Economic Development District, Inc. (2)

- Councilman Ed Ping
- Councilwoman Kathy Miller

Data Processing Board (3)

- Councilman Brad Anderson
- Councilman Darrick Scott
- Bob Lane

Building Inspection

- Councilman Ed Ping

Vigo County Council Facilities, Services, and Special Projects Committee, Ex-Officio

- Bernard Ridens

Vigo County Fair Board

- Councilman Mark Bird

### **Adjournment**

**Motion:** 5:23, **Action:** Adjourn, **Moved by** Tim Curley, **Seconded by** Bill Bryan.

**Vote:** Motion carried by unanimous roll call vote (summary: Yes = 7).

**Yes:** Bill Bryan, Brad Anderson, Ed Ping, Tim Curley, Kathy Miller, Mark Bird, and Darrick Scott.